

*City of Las Vegas***AGENDA MEMO****PLANNING COMMISSION MEETING DATE: NOVEMBER 29, 2007****DEPARTMENT: PLANNING AND DEVELOPMENT****ITEM DESCRIPTION: ABEYANCE - SUP-24305 - APPLICANT: GLOBAL TOWER PARTNERS - OWNER: FARM ROAD RETAIL, LLC**

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**\*\* CONDITIONS \*\*****STAFF RECOMMENDATION: APPROVAL**, subject to:**Planning and Development**

1. Conformance to all minimum requirements under the Town Center Standards for a Wireless Communication Facility, except as amended by conditions herein.
2. Conformance to the site plan and building elevations date stamped 08/29/07, except as amended by conditions herein.
3. A Waiver from Town Center Development Standards Section B.4.B(58a) to allow a 250-foot distance separation from a single family detached dwelling where 330 feet is the minimum distance separation required is hereby approved.
4. This approval shall be void two years from the date of final approval, unless a building permit has been issued for the principal building on the site. An Extension of Time may be filed for consideration by the City of Las Vegas.
5. The communications monopole and its associated equipment and facility shall be properly maintained and kept free of graffiti at all times. Failure to perform the required maintenance may result in fines and/or removal of the communications monopole and its associated equipment and facility.
6. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

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**\*\* STAFF REPORT \*\***

**PROJECT DESCRIPTION**

This is a request for a Special Use Permit for a proposed 80-foot tall Wireless Communication Facility (Stealth Design) with a waiver to allow a 250-foot distance separation from a single family detached dwelling where 330 feet is the minimum separation required at 8414 Farm Road.

The proposed Wireless Communication Facility, Stealth Design meets the minimum Town Center and Title 19 standards for this use, except that a Special Use Permit is required because the proposed location of the facility is within 330 feet of existing single-family dwellings. Staff recommends approval, as the proposed facility will not negatively impact these neighboring uses.

**BACKGROUND INFORMATION**

<i>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc.</i>	
12/07/98	The City Council approved a request for Rezoning from R-E (Residence Estates) to T-C (Town Center) as part of a larger request (Z-0076-98). The Planning Commission and staff recommended approval.
05/17/00	The City Council approved a Site Development Plan Review [Z-0076-98(14)] for a proposed 222,129 square foot shopping center at the northwest corner of Farm Road and Tule Springs Road. The Planning Commission and staff recommended approval.
02/09/04	Planning and Development Department staff administratively approved a Wireless Facility Review (SDR-19913) to allow a repeater facility consisting of one (1) donor antenna and one (1) panel antenna on the existing rooftop at 8414 Farm Road.
04/19/06	The City Council approved a Special Use Permit (SUP-10514) for a proposed 5,000 square foot Restaurant with a Drive-Through, a Special Use Permit for an 89,250 square foot, three story Mini Storage Facility, and a Site Development Plan Review (SDR-10505) for a proposed 153,650 square foot addition to an existing commercial center on 18.9 acres at the northeast corner of Farm Road and Durango Drive. The Planning Commission and staff recommended approval of all items.
10/25/07	The Planning Commission voted to hold this item (SUP-24305) in abeyance to the 11/29/07 Planning Commission meeting at the request of the applicant, who could not attend.

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<b><i>Related Building Permits</i></b>	
03/21/02	A building permit (#02004976) was issued for a Certificate of Completion for "Retail Shop Building 11" on the overall plan for Tule Springs Village Center. A final inspection was completed on 10/30/02. Individual Certificates of Occupancy for each suite in the completed building were to follow.
08/01/07	A building permit (#07002422) was issued for a three-story mini-storage facility on property abutting this site to the north. The last inspection completed was for insulation on 10/04/07.
<b><i>Pre-Application Meeting</i></b>	
07/25/07	Submittal requirements for a Special Use Permit for a Wireless Communication Facility in Town Center were discussed. No administrative Site Development Plan Review for wireless facilities was completed, as the required waiver disqualified the application from administrative review.
<b><i>Neighborhood Meeting</i></b>	
10/23/07	<p>Per Town Center Development Standards Section A.4.C, a waiver of distance separation requirements within the Town Center Plan area requires a neighborhood meeting to be held in an area near the subject site. This meeting was held at the Centennial Hills Active Adult Center at 6601 North Buffalo Drive. Two members of city staff along with six citizens attended. The applicant noted that a 30-day abeyance to the 11/29/07 Planning Commission meeting had been requested, but still required a vote from the Commission at the 10/25/07 meeting. Comments from the public included:</p> <ul style="list-style-type: none"> <li>• The proposed cell tower will be too tall and is inappropriate adjacent to a residential area.</li> <li>• Phone reception in the area is fine, and another tower is unnecessary in the area.</li> <li>• The proposed tower might be more acceptable at the new Lowe's site at the northwest corner of El Capitan Way and Durango Drive.</li> <li>• The "monopalm" style is preferred over the "monopine" style of stealth design.</li> <li>• The residents in attendance at the meeting reiterated that the location is inappropriate and confirmed that they still would not support the application even if the tower were reduced to 60 feet in height.</li> </ul> <p>The applicant stated that the comments of the residents from the meeting would be reviewed, and alternative siting opportunities would be explored.</p>

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<b>Field Check</b>	
09/21/07	The subject site is located at the rear of an in-line shopping center in an unimproved parking lot landscape planter. There are homes on the east side of Tule Springs Road adjacent to the site; however, there are block walls on both sides of the street and a Multi-Use Transportation Trail outside the wall on the west side of the street. The grade is slightly elevated over that of the adjacent homes.

<b>Details of Application Request</b>	
<b>Site Area</b>	
Net Acres	0.98

<b>Surrounding Property</b>	<b>Existing Land Use</b>	<b>Planned Land Use</b>	<b>Existing Zoning</b>
Subject Property	Retail/Commercial	SC-TC (Service Commercial – Town Center)	T-C (Town Center)
North	Office, Retail/Commercial	SC-TC (Service Commercial – Town Center)	T-C (Town Center)
South	Retail/Commercial, Financial Institution, General	SC-TC (Service Commercial – Town Center)	T-C (Town Center)
East	Single Family Residential	L (Low Density Residential)	R-PD4 (Residential Planned Development – 4 Units Per Acre)
West	Service Station without Automotive Repair	SC-TC (Service Commercial – Town Center)	T-C (Town Center)

<b>Special Districts/Zones</b>	<b>Yes</b>	<b>No</b>	<b>Compliance</b>
<b>Special Area Plan</b>			
T-C Town Center District	X		N*
<b>Special Districts/Zones</b>	<b>Yes</b>	<b>No</b>	<b>Compliance</b>
<b>Special Purpose and Overlay Districts</b>			
T-C (Town Center) District	X		Y
<b>Trails</b>	X		Y
<b>Rural Preservation Overlay District</b>		X	N/A
<b>Development Impact Notification Assessment</b>		X	N/A
<b>Project of Regional Significance</b>		X	N/A

\*A Waiver of the required 330-foot separation distance from single family properties has been requested per the Town Center Development Standards.

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**ANALYSIS**

Pursuant to the Town Center Development Standards Manual, a Wireless Communication Facility is a permitted use if it utilizes stealth technology and is not within 330 feet of any single family detached dwelling. As the table below shows, the proposed facility uses stealth technology but is located approximately 250 feet from a single family dwelling, requiring a Special Use Permit.

<b>Town Center Development Standards</b>	<b>Provided</b>	<b>Compliance</b>
Permitted if using stealth technology; otherwise, a Special Use Permit is required.	Stealth facility—palm tree monopole design	Yes
Permitted if not located within 330 feet of any single family detached dwelling; otherwise, a Special Use Permit is required.	Located within 250 feet of an existing single family dwelling	No – SUP required
Towers and monopoles shall conform to LVMC 19.08.060 (Residential Adjacency Standards), requiring a minimum of 240 feet from the property line of a single family residential use.	Located 250 feet from the property line of a single family residential use	Yes
Wireless communication antennas shall be of a design and installed in such a manner as to blend in with the architecture and design of the building or structure on which they are mounted. (Town Center Development Standards Section B.5.E)	Antennas painted to match the monopalm where attached	Yes

*Title 19.08.060 requires conformance to the following standards:*

<b>Residential Adjacency Standards</b>	<b>Required/Allowed</b>	<b>Provided</b>	<b>Compliance</b>
3:1 proximity slope	240 feet from monopole to property line of protected property	250 feet	Yes
Adjacent development matching setback	Minimum 20 feet	250 feet	Yes

<b>Waivers</b>		
<b>Request</b>	<b>Requirement</b>	<b>Staff Recommendation</b>
To allow a 250-foot distance separation from a single family detached dwelling	[TCDS Section B.4.B(58a)] 330-foot minimum separation	Approval

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- **Zoning**

The subject site is zoned T-C (Town Center) with an SC-TC (Service Commercial – Town Center) land use designation. A Wireless Communication Facility is a permitted use in all land use districts within Town Center, provided the facility utilizes stealth technology and is not within 330 feet of any single family detached dwelling. A Special Use Permit is required if these base conditions cannot be met, as in this case.

- **Use**

The proposed Wireless Communications Facility is an 80-foot tall stealth design “monopalm,” or tower disguised as a palm tree. It is proposed to be located in an unimproved landscape finger at the northeast corner of the in-line retail building at 8414 Farm Road. The structure extends to 75 feet, where three arrays of one antenna each are attached; the “fronds” of the artificial tree extend to 80 feet from grade. There is room on the structure to collocate another set of antennas, but no other antennas are proposed at this time. A six-foot block wall is proposed for screening of the facility and associated equipment.

- **Waiver**

A Waiver from the Town Center Development Standards Section B.4.B(58a) is requested to allow a 250-foot distance separation from a single-family detached dwelling where 300 feet is the minimum required. The proposed Wireless Communication Facility is set back far enough on the subject site to meet Residential Adjacency Standards. In addition, the eastern perimeter of the site is screened by a decorative block wall, as is the western perimeter of the protected properties on the east side of Tule Springs Road. The use can thus be conducted in a manner that is harmonious and compatible with the existing land uses surrounding the site and the Waiver request can be supported.

- **Parking**

The facility is proposed to be located within a parking area to the rear of an existing in-line retail building. One parking space will be used for the facility area; this is not a required stall for the retail building. The use itself does not generate additional parking spaces, and traffic is expected to be minimal in this parking field.

- **Conditions**

If approved, the proposed Wireless Communications Facility must meet the minimum requirements for this use as described in the Town Center Development Standards. In addition, the facility should be properly maintained and kept free of graffiti. Failure to maintain the site is grounds for fines and/or removal.

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## **FINDINGS**

In order to approve a Special Use Permit application, per Title 19.18.060 the Planning Commission and City Council must affirm the following:

1. **“The proposed land use can be conducted in a manner that is harmonious and compatible with existing surrounding land uses, and with future surrounding land uses as projected by the General Plan.”**

The proposed Wireless Communication Facility is set back far enough on the subject site to meet Residential Adjacency Standards. In addition, the eastern perimeter of the site is screened by a decorative block wall, as is the western perimeter of the protected properties on the east side of Tule Springs Road. The use can thus be conducted in a manner that is harmonious and compatible with the existing land uses surrounding the site.

2. **“The subject site is physically suitable for the type and intensity of land use proposed.”**

There are no physical constraints to the location and intensity of the proposed use on the subject site.

3. **“Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed use.”**

The wireless communication facility will not attract additional traffic to the site. Access to the subject site is from Tule Springs Road, a 60-foot local street. This will be adequate to accommodate maintenance vehicles when needed.

4. **“Approval of the Special Use Permit at the site in question will not be inconsistent with or compromise the public health, safety, and welfare or the overall objectives of the General Plan.”**

The proposed use will not compromise the public health, safety, and welfare because the use will be constructed in compliance with applicable building codes.

5. **The use meets all of the applicable conditions per Title 19.04.**

The Town Center Development Standards allow the Wireless Communication Facility use with approval of a Special Use Permit if the facility is not of a stealth design (this proposal is of a stealth design) or if it is located within 330 feet of a single family dwelling (this proposal is within 250 feet). Staff recommends approval of the accompanying separation waiver.

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**NEIGHBORHOOD ASSOCIATIONS NOTIFIED** 16

**ASSEMBLY DISTRICT** 3

**SENATE DISTRICT** 6

**NOTICES MAILED** 512

**APPROVALS** 0

**PROTESTS** 17